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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,911	06/05/2001	David J. Sagar	47524/P120US/10023619	3595
29053	7590	05/19/2006	EXAMINER	
DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.			SHERR, CRISTINA O	
2200 ROSS AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
DALLAS, TX 75201-2784			3621	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,911

Applicant(s)

SAGAR ET AL.

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 8-25 and 42-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 26-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to applicant's amendment filed February 27, 2006.

Election/Restrictions

2. Claims 8-25 and 42-70 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species and invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 27, 2006. Thus, claims 1-7 and 26-41 are currently pending in this case.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-7 and 26-41 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.
5. Independent claims 1 and 27 reference a system and method for detecting fraud without actually saying how such fraud is being detected. Without more explanation in the claims of the steps taken to determine said fraud, the claims are inoperable and thus lack utility. Therefore, independent claim 1 and 27 and their dependent claims 2-7, 26, and 28-41 are rejected under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 and 26-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilot (GB 2 312 963 A).

8. Regarding claim 1 –

Gilot discloses a system for detecting fraud in a prepaid system (e.g. abstract), said fraud detecting system comprising:

an interface to said prepaid system (e.g. pg 5, "display"), wherein said prepaid system accounts for subscriber account credits and subscriber account debits to thereby determine a subscriber prepaid balance for use in operating said prepaid system, wherein said prepaid system interface accepts prepaid account credit information from said prepaid system; an interface to a service system, wherein said service system interface accepts information with respect to services provided; and control logic utilizing said prepaid account credit information accepted through said prepaid system interface and said information with respect to services provided accepted through said service system interface to thereby determine a fraud detection subscriber account balance, wherein said control logic utilizes said fraud detection subscriber account balance to determine a fraud condition in an associated subscriber account independent of said determination of said subscriber prepaid balance by said prepaid system (e.g. fig 5, 6).

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9. Gilot refers specifically to electric power supply rather than to other utilities such as phone, in this application. Nevertheless, it would be obvious to one of ordinary skill in the art to adapt a prepaid system such as that in Gilot to any other utility.

10. Regarding claims 2-4 –

As above, Gilot refers specifically to electric power supply rather than to other utilities such as phone, in this application. Nevertheless, it would be obvious to one of ordinary skill in the art to adapt a prepaid system such as that in Gilot to any other utility.

11. Regarding claims 5-6 –

Gilot discloses the system of claim 1, wherein said prepaid account credit information accepted by said prepaid system interface is information with respect to refill of a corresponding subscriber account and wherein said refill information includes a refill amount and time information with respect to said refill amount (abstract, fig. 5)

12. Regarding claim 7-

Gilot discloses the system of claim 1, wherein said service system comprises a wireless communication system (e.g. pg 1 par 2)

13. Regarding claim 26 –

Gilot discloses the system of claim 1, wherein said control logic further utilizes said information with respect to services provided accepted through said service system interface to determine charges with respect to said service system associated with use of said prepaid system (e.g. pg 1 par6 – pg 2 par 3).

14. Regarding claims 27-41 –

Claims 27-41 are rejected under the same criteria as claims 1-7 and 26.

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15. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Schweitzer (US 2001/0055291) discloses a system, method and computer program for charging for competitive IP-over-wireless service.

18. Chasek (US 5,809,480) discloses an automated, secure inter authority settlement method and system for electronic toll collection.

19. Kazaks et al (US 2002/0046341) disclose a system and method for prepaid anonymous and pseudonymous credit card type transactions.

20. Karras (US 6,873,617) discloses means for and methods of in-progress frauds, billing and maintenance in a SS#7 network of high-speed data links.

21. Sabatier et al (94 01888) disclose a procedure for the detection of fraud in payment of prepaid cards.

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COS
05/08/06

Cristina Owen Sherr
PRIMARY EXAMINER